

SENATE No. 2009

The Commonwealth of Massachusetts

PRESENTED BY:

Montigny, Mark (SEN)

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

Urging Congress to eliminate the two year waiting period for those eligible for SSDI coverage

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Montigny, Mark (SEN)	Second Bristol and Plymouth
Robert M. Koczera	11th Bristol

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

RESOLUTIONS urging Congress to eliminate the two year waiting period for those eligible for SSDI coverage

1 *WHEREAS*, the Medicare program created in 1965 provides health insurance to an
2 estimated 44.8 million beneficiaries in 2008; and

3 *WHEREAS*, in 1972, Medicare expanded health insurance coverage to people living with
4 significant disabilities; and

5 *WHEREAS*, an estimated 7.3 million enrollees under the age of 65 have qualified for
6 Medicare in 2008 because of permanent and severe disability and benefits provide an invaluable
7 safety net for Americans, especially those with multiple sclerosis, spinal cord injury. ALS,
8 Huntington's Disease, Parkinson's disease, brain injury, Ataxia, spastic paraplegia, end-stage
9 renal disease and other illnesses or disabilities; and

10 *WHEREAS*, federal law mandates a 24 month waiting period from the time a disabled
11 individual first receives SSDI benefits to the time Medicare coverage begins and the SSDI
12 program delays benefits for five months while the person's disability is determined, effectively
13 creating a 29 month waiting period; and

14 *WHEREAS*, (**X TBD**) beneficiaries reside in Massachusetts who are awaiting Medicare
15 coverage; and

16 WHEREAS, as of April 2007, there were approximately 1.5 million disabled individuals
17 who qualified for SSDI and were awaiting Medicare coverage, many of whom were unemployed
18 because of their disability; consequently, under these conditions, by the time Medicare began, an
19 estimated 77 percent of those individuals would be poor or nearly poor, 45 percent would have
20 incomes below the federal poverty line, and close to 40 percent would be enrolled in state
21 Medicaid programs; and

22 WHEREAS, It is common that during these 24 months, already sick and vulnerable
23 individuals will lose their health insurance and cannot afford COBRA or other private health
24 insurance plans. Many forgo medical treatments, stop medications and therapy, and further
25 compromise their health. In addition, many individuals accumulate healthcare related debt, and
26 often declare bankruptcy; and

27 WHEREAS, Studies show death rates among SSDI beneficiaries are highest during the
28 first two years of SSDI enrollment. This relates to the time period SSDI beneficiaries must wait
29 to be enrolled in Medicare; and

30 WHEREAS, Eliminating the 24-month disability waiting period will provide cost savings
31 to Medicaid programs, because Medicaid often provides coverage for people in the waiting
32 period as long as they meet certain income and asset limits; and

33 WHEREAS, In April 2007, the Institute of Medicine released *The Future of Disability in*
34 *America* report that states that Congress should work to reduce or eliminate the 24-month
35 waiting period to help provide a healthier foundation for an already sick group of individuals;
36 and

37 *WHEREAS*, Recognizing the consequences of the waiting period to those suffering from
38 amyotrophic lateral sclerosis (ALS), or Lou Gehrig’s disease, the 106th United States Congress
39 passed H.R. 5661 in 2000 and eliminated the requirement for enrollees diagnosed with the
40 disease; in passing H.R. 5661, congress acknowledged the enormous difficulties faced by those
41 diagnosed with severe disabilities and established precedent for the exception to be extended to
42 all the disabled on the Medicare waiting; and

43 *WHEREAS*, *The Ending the Medicare Disability Waiting Period Act of 2007* (S.
44 2102/H.R. 154) was filed during the past 110th congress which included co-sponsors Senator
45 Obama, now President Elect and Senator John Kerry and would phase out over 10 years the
46 Medicare waiting period and similar legislation is to be–refiled for the upcoming 111th session;
47 and

48 *WHEREAS*, other state legislatures such as Texas in 2007 have passed similar resolutions
49 and other states are will soon be introducing similar resolutions including North Carolina and
50 Georgia; and

51 *WHEREAS*, Massachusetts is leading the nation in health care reform measures to ensure
52 all citizens have adequate health insurance coverage; and

53 *WHEREAS*, to make federal comprehensive health care reform meaningful, Congress
54 must work to include elimination of the Medicare 24 month disability waiting period as part of
55 this reform; so be it

56 *RESOLVED*, That the Massachusetts General Court hereby respectfully urges the United
57 States Congress to enact legislation to eliminate the 24-month Medicare waiting period for
58 participants on Social Security Disability Insurance; and, be it further

59 *RESOLVED*, that the Centers for Medicare and Medicaid Services regional office provide
60 data upon request by the state legislature or any member of Congress as to the number of
61 individuals approved for SSDI awaiting Medicare coverage in Massachusetts; and, be it

62 *RESOLVED*, That the Massachusetts Secretary of State forward official copies of this
63 resolution to the President of the United States, Speaker of the House of Representatives and the
64 President of the Senate of the United States Congress, and all members of the Massachusetts
65 delegation to the congress with the request that this resolution be officially entered in the
66 Congressional Record as a memorial to the Congress of the United States of America.